

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
OCT 27 2005

*[Signature]*  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE DAVID MONTERROSO-RAMIREZ,

a/k/a Jose David Ramirez,

a/k/a Jose Ramirez,

Defendant.

CR 05-40118

ORDER FIXING DATES

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An initial appearance and arraignment on an Indictment was held on October 25, 2005, with the Plaintiff appearing by John Ulrich, Assistant United States Attorney; and the Defendant Jose David Monterroso-Ramirez, a/k/a Jose David Ramirez, a/k/a Jose Ramirez, appearing in person and with his attorney, Timothy Langley; and pending before the Court is Defendant's First Motion to Continue, Doc. 20.

It appearing necessary that the court fix motion and trial dates in order to comply with the Speedy Trial Act, 18 U.S.C. § 3161,

IT IS ORDERED:

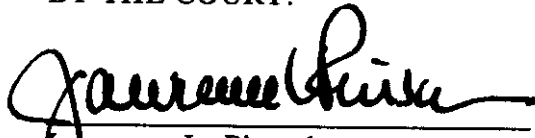
1. That the following general discovery rules shall apply to this case:
  - A. Upon request of the Defendant, the Plaintiff shall forthwith comply with Rule 16(a)(1)(A), (B), (C) and (D).
  - B. If the Defendant requests disclosure under Rule 16(a), such Defendant shall, upon request of the Plaintiff, forthwith comply with Rule 16(b).
  - C. The Plaintiff shall disclose to the Defendant any exculpatory material discoverable under Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963) two weeks before trial.
  - D. Any written statements of Plaintiff's witnesses discoverable under the Jencks Act, 18 U.S.C. § 3500, shall be furnished to the

Defendant on the Friday preceding trial.


2. That Defendant's First Motion to Continue, Doc. 20, is granted.
3. That all other motions as to Defendant be filed and served on or before November 16, 2005; that opposing counsel respond thereto on or before November 23, 2005; and that a hearing thereon will be held before The Honorable John E. Simko, in Sioux Falls, South Dakota, on Wednesday, November 30, 2005, at 9:30 A.M.; and the Court will not consider a stock motion for leave to file further motions, however, the Court will consider a motion filed by a party after the deadline if the party can show good cause as to why the motion was late filed.
4. That December 2, 2005, is hereby set as the deadline for submission to the Court of any proposed plea agreement.
5. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
6. That the jury trial herein for Defendant shall commence in Sioux Falls, South Dakota, on Tuesday, December 20, 2005, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
7. That the dates herein may be modified upon good cause shown.

Dated this 27<sup>th</sup> day of October, 2005.

BY THE COURT:

  
Lawrence L. Piersol  
Chief Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY:   
DEPUTY